

ORIGINAL



0000196084

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS – Chairman
ANDY TOBIN
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON

Arizona Corporation Commission

DOCKETED

FEB 14 2019

DOCKETED BY

W

RECEIVED
AZ CORP COMMISSION
MET CONTROL

2019 FEB 14 A 11:42

IN THE MATTER OF THE RATE REVIEW AND
EXAMINATION OF THE BOOKS AND RECORDS
OF ARIZONA PUBLIC SERVICE COMPANY,
AND ITS AFFILIATES, SUBSIDIARIES, AND
PINNACLE WEST CAPITAL CORPORATION.

DOCKET NO. E-01345A-19-0003

PROCEDURAL ORDER

BY THE COMMISSION:

On January 9, 2019, the Arizona Corporation Commission's ("Commission's") Utilities Division ("Staff") filed a Memorandum requesting a new docket be opened for a rate review of Arizona Public Service Company, and its affiliates, subsidiaries, and Pinnacle West Capital Corporation (collectively "APS").

On January 31, 2019, a Request to Intervene was filed by Stacey Champion, who is a residential customer of APS and a Complainant in another pending docket involving APS, Docket No. 01345A-18-0002, which concerns whether APS's most recently approved rates and charges are reasonable.

On February 6, 2019, APS filed Opposition to Ms. Champion's Request to Intervene, asserting that Ms. Champion's alleged interest in this matter, as an APS customer and Complainant in another APS matter, does not rise to the level required to intervene under A.A.C. R14-3-105(A). APS asserts that because this matter is exclusively for a rate review—an extensive and thorough review and examination by the Commission's Utilities Division ("Staff") of APS's customer education and outreach program as well as an assessment of whether APS earned within authorized limits in 2018—it will result in a Staff report to the Commission rather than a Commission action. APS states that Staff's report may cause the Commission to decide that additional proceedings are warranted and acknowledges that a person could potentially have a direct interest in the additional proceedings if the Commission were to consider action that could materially affect the rights of APS or its customers. But APS asserts that until then, a person could not have a direct and substantial interest in this matter.

1 APS adds that Staff's report in this matter will be made public and that Ms. Champion would have an
2 opportunity to make public comment. APS requests that Ms. Champion's request for intervention be
3 denied or, if the Commission believes that Ms. Champion's intervention may nevertheless be
4 warranted, that a ruling on intervention be held in abeyance until Staff files its report in this matter.

5 On February 8, 2019, Ms. Champion filed her Response to APS's Opposition. In her Response,
6 Ms. Champion asserts that the level of her interest not only meets the Commission's standard for
7 intervention but also ties directly to the Commission's purpose and the laws that created it. Ms.
8 Champion quotes at length from a filing made by Chairman Burns in Docket No. RU-00000A-17-0035
9 regarding the need for transparency and disclosure rules and the history of the Commission and also
10 references a recent Commission case involving another utility in which the deadline for intervention
11 was extended by the Commission. Ms. Champion asserts that she "is interested in seeing how the
12 sausage is made, not blindly eating the sausage after the fact and getting food poisoning."

13 A rate review typically consists of a process by Staff that is akin to an extensive audit through
14 which Staff determines whether a utility is correctly applying its tariffed rates and whether it is
15 overearning. The rate review in this matter is unusual in that the Commission has also tasked Staff
16 specifically with analyzing APS's customer education and outreach program related to its most recent
17 rate increase. While Ms. Champion's interest in this rate review is not as strong as it would be in a
18 general rate case, it appears that Ms. Champion would have an interest in ensuring that the Commission
19 receives the most accurate information possible concerning APS's application of its tariffed rates and
20 the extent of APS's customer education and outreach program, both of which she can speak to first
21 hand as a customer. Thus, Ms. Champion's interest in this matter is sufficiently direct and substantial
22 to grant her request for intervention.

23 IT IS THEREFORE ORDERED that **Stacey Champion's Request to Intervene** is hereby
24 **granted.**

25 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
26 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
27 deemed denied.
28

1 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
2 shall be filed within seven calendar days of the filing date of the motion.

3 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
4 calendar days of the filing date of the motion.

5 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
6 days of the filing date of the response.

7 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
8 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

9 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
10 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
11 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
12 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
13 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
14 Law Judge or the Commission.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
16 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
17 in this matter is final and non-appealable.

18 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
19 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

20 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
21 **Order Regarding Consent to Email Service** issued in this matter on **January 11, 2019**, for additional
22 information regarding the process to consent to service by email. Information regarding Consent to
23 Email Service is also available on the Commission's website (www.azcc.gov) by first clicking on "I
24 Want To" and then clicking on "Learn About Consenting to Email Service" or "Consent to Email
25 Service in a Case."

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 14th day of February, 2019.

5
6 

7 SARAH N. HARPRING
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

On this 14th day of February, 2019, the foregoing document was filed with Docket Control as a Procedural Order Regarding Intervention, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Thomas A. Loquvam
Thomas L. Mumaw
ARIZONA PUBLIC SERVICE COMPANY
400 N. 5th St. MS 8695
Phoenix, Arizona 85004

Stacey Champion
3101 N. Central Ave, Suite 174
Phoenix, AZ 85012

sc@champion-pr.com

Consented to Service by Email

Robin Mitchell, Director
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

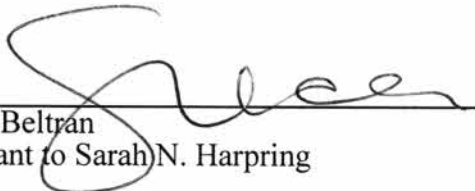
LegalDiv@azcc.gov
utildivservicebyemail@azcc.gov

Consented to Service by Email

COASH & COASH, INC.
Court Reporting, Video and
Videoconferencing
1802 North 7th Street
Phoenix, AZ 85006

Emailed as a courtesy

By:


Grace Beltran
Assistant to Sarah N. Harpring